70. (previously added) The isolated pyruvate carboxylase gene defined in claim 65 with a preceding promoter of the nucleotide sequence from nucleotide 20 to 109 according to SEQ ID NO:1.

71. (previously amended) The isolated pyruvate carboxylase gene according to claim 65 with a preceding tac promotor.

72. (previously added) The isolated pyruvate carboxylase gene according to claim 71 with a regulatory gene sequence associated with the tac promoter.

73. (previously added) The isolated pyruvate carboxylase gene according to claim 70 associated with a regulatory gene sequence.

74. (previously added) A nucleic acid comprising an isolated pyruvate carboxylase gene according to claim 65, preceded by a promoter and associated with a regulatory gene sequence.

75. (previously added) A vector containing an isolated pyruvate carboxylase gene according to claim 65.

76. (previously added) A transformed cell containing in replicatable form an isolated pyruvate carboxylase gene according to claim 65.

77. (previously added) A transformed cell containing a vector according to claim 75.

78. (previously added) A transformed cell according to claim 76 belonging to the genus Corynebacterium.

79 and 80 (canceled).

81. (previously added) A pyruvate carboxylase gene isolated from a Corynebacterium and which consists essentially of nucleotides 165 to 3587 according to SEQ ID No. 1.

82. (new) An isolated pyruvate carboxylase polypeptide having an amino acid sequence at least 95% identical to a sequence selected from the group consisting of:

(a) the amino acid sequence of the pyruvate carboxylase polypeptide having the complete amino acid sequence in SEQ ID NO: 2; and

(b) the amino acid sequence of the pyruvate carboxylase polypeptide having the complete amino acid sequence encoded by the clone contained in ATCC Deposit No. PTA 982.

83. (new) The isolated pyruvate carboxylase polypeptide of claim 82 wherein the pyruvate carboxylase polypeptide comprises an amino acid sequence at least 95% identical to the amino acid

sequence of the pyruvate carboxylase polypeptide having the amino acid sequence of SEQ ID NO :2.

84. (new) The isolated pyruvate carboxylase polypeptide of claim 82 comprising the amino acid sequence of SEQ ID NO: 2.

85. (new) The isolated pyruvate carboxylase polypeptide of claim 82, wherein the pyruvate carboxylase polypeptide comprises an amino acid sequence at least 95% identical to the amino acid sequence of the pyruvate carboxylase polypeptide having the amino acid sequence encoded by the clone obtained in ATCC Deposit No. PTA-982.

86. (new) The isolated pyruvate carboxylase polypeptide of claim 82 comprising the amino acid sequence encoded by the clone obtained in ATCC Deposit No. PTA-982.

REMARKS

Applicants are submitting this supplemental amendment in order to copy the claims of U.S. Patent 6,403,351 for the purpose of interference. New claims 82 through 86 correspond to claims 1 through 5 of U.S. Patent 6,403,351. Antecedent basis for new claims 82 through 86 may be found in Applicants' original specification on pages 5 through 9, the specific examples, and in SEQ ID NO: 2. It is noted that the polynucleotide having SEQ ID NO:1 in both the instant application and in U.S. Patent 6,403,351 is the